

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JAMES O'CALLAGHAN,

Plaintiff,

-against-

NEW YORK STOCK EXCHANGE, *et al.*,

Defendants.
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ORDER

12 Civ. 7247 (AJN) (SN)

ALISON J. NATHAN, District Judge:

On September 26, 2012, Plaintiff initiated the instant action alleging that Defendants, the New York Stock Exchange and various of its current and former employees, violated the Racketeer Influenced and Corrupt Organizations Act ("RICO"), 18 U.S.C. §§ 1961-68. Defendants moved to dismiss the action pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure. Defendants also asked that Plaintiff be ordered to pay their attorney's fees and costs and that he be enjoined from pursuing further litigation against them.

On March 28, 2013, Magistrate Judge Netburn issued a report and recommendation ("R&R") recommending that Defendants' motion to dismiss be granted but that their request for attorney's fees and costs be denied. Judge Netburn further recommended enjoining Plaintiff from filing any new litigation in this Court without first obtaining leave from a judicial officer.

On April 10, 2013, Plaintiff requested an extension of time to object to the R&R, which the Court granted. Plaintiff filed his objections on May 17, 2013. Plaintiff's objections are, however, simply a reiteration of arguments already duly considered and rejected by Judge Netburn. Accordingly, the Court need only review the R&R for clear error. *See, e.g., Jones v.*

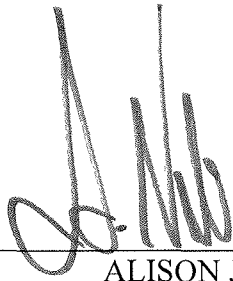
Astrue, No. 09 Civ. 5577, 2012 WL 4473258, at *1 (Sept. 28, 2012), *Feliciano v. Commissioner of Social Sec.*, No. 10 Civ. 3151, 2011 WL 6399512, at *3 (S.D.N.Y. Dec. 20, 2011); *Barratt v. Joie*, No. 96 Civ. 0324, 2002 WL 335014, at *1 (S.D.N.Y. Mar. 04, 2002).

Finding no clear error, the Court adopts the R&R. For substantially the same reasons as those set forth in the R&R, Defendants' motion to dismiss is GRANTED and Defendants' request for attorney's fees is DENIED. Furthermore, Plaintiff is enjoined from filing further lawsuits against Defendants or any other of the New York Stock Exchange's current or former employees without leave of a judicial officer.

The Clerk of the Court is directed to terminate this action.

SO ORDERED.

Dated: August 2, 2013
New York, New York



ALISON J. NATHAN
United States District Judge